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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,859	12/09/2003	Jutta Anna Turck	13101/48202	9112

7590 08/09/2007  
Anthony Giaccio, Esq.  
KENYON & KENYON  
One Broadway  
New York, NY 10004

EXAMINER
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DUNSTON, JENNIFER ANN

ART UNIT	PAPER NUMBER
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1636

MAIL DATE	DELIVERY MODE
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08/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10732859		TURCK ET AL.	

**EXAMINER**

Jennifer Dunston

**ART UNIT****PAPER**

1636

20070801

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 5/11/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): as stated on page 2 of the Office action mailed 1/10/2007, Applicant is required to elect one species of promoter for examination. In the reply filed on 5/11/2007, Applicant elected claim 4, which refers to two species of promoters. To be fully responsive, Applicant must elect a single promoter (for example, the CaMV 35S promoter or the CaMV 19S promoter of claim 4). See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dunston whose telephone number is 571-272-2916. The examiner can normally be reached on M-F, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached at 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CELINE QIAN, PH.D.  
PRIMARY EXAMINER

Jennifer Dunston  
Examiner  
Art Unit 1636